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February 24, 2022

VIA ECF

The Honorable Robert B. Kugler
United States District Court Judge
District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, NJ 08101

Re: *In re Valsartan, Losartan, and Irbesartan Products Liability Litigation, Case No. 1:19-md-02875-RBK*

Dear Judge Kugler:

We write on behalf of Defendants in connection with the Rule 702 hearing the Court has scheduled in March regarding the parties' respective general causation experts.

Consistent with the Court's requested format for the upcoming Rule 702 hearings, enclosed please find the declarations of Defendants' general causation experts Dr. Michael Bottorff, PharmD, FCCP, FNLA, CLS, who specializes in pharmacokinetics and pharmacology, and Dr. George Johnson, Ph.D., who specializes in genetic toxicology, which are being filed today in further opposition to Plaintiffs' 702 Motions. Presentation of these declarations does not in any way indicate any concerns on the part of Defendants regarding the admissibility of their reports—indeed, there is no credible dispute that both Dr. Bottorff and Dr. Johnson are well credentialed, their opinions are the product of the same methodology and rigor applied in their chosen fields, and their testimony bears on issues directly relevant to the issue of general causation. Rather, Defendants believe the Court would particularly benefit from hearing from these witnesses, given the specialized and technical nature of their opinions, and their declarations further provide the Court with useful context in evaluating the flawed theories put forth by Plaintiffs' experts.

The Honorable Robert B. Kugler
February 24, 2022
Page 2

Defendants are not submitting declarations on behalf of the following general causation experts, as the existing record is straightforward and plainly establishes the admissibility of their opinions.

- Dr. Janice K. Britt, Ph.D., who specializes in toxicology
- Dr. John M. Flack, M.D., MPH, FAHA, FASH, MACP, who specializes in internal medicine and hypertension
- Dr. Jon Fryzek, Ph.D., MPH, who specializes in epidemiology
- Dr. Lee-Jen Wei, Ph.D., who specializes in biostatistics

Defendants also are not submitting declarations on behalf of two general causation experts, Dr. Lewis Chodosh, M.D., who specializes in cancer biology, and Dr. Herman J. Gibb, Ph.D., MPH, who specializes in epidemiology, because Plaintiffs have not challenged the admissibility of their general causation opinions under Rule 702.

Finally, Defendants wish to reiterate their request for a full hearing and opportunity to develop the record with respect to the pending Rule 702 motions. Defendants harbor concern that the procedure contemplated by the Court—wherein Plaintiffs exercise sole discretion on which of their experts, if any, will appear at the contemplated hearing and, moreover, the parties are not permitted to present live direct examinations of their own witnesses, or potentially argument, may hamper the Court’s ability to holistically evaluate the significant issue of general causation. Respectfully, Defendants reserve the right to seek to supplement the record through further argument and examinations following completion of the presently contemplated Rule 702 hearings.

We very much appreciate the Court’s consideration of these issues. Please let us know if you need anything further prior to the scheduled hearings.

Respectfully submitted,

/s/ Lori G. Cohen

Lori G. Cohen

The Honorable Robert B. Kugler
February 24, 2022
Page 3

cc: Special Master Thomas I. Vanaskie
All counsel of record (Via ECF)